

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Examiner Interview – Applicants’ Interview Summary

Applicants appreciate the opportunity to discuss the pending application with Examiner Zelaskiewicz during the personal interview on August 29, 2011.

During the interview, the prior art references, proposed claim amendments, and rejections of the claims were discussed.

Specifically, although the Examiner indicated that the proposed amendments would overcome the indefinite rejection, the Examiner indicated that further amendments were required to remove conditional language and to clarify certain recited steps in the claimed method and apparatus for cashless processing. In response to the Examiner’s suggestions, applicants proposed further clarifying amendments to the claims that appeared to overcome the Examiner’s concerns.

Regarding the prior art rejections, applicants argued that the cited prior art references failed to disclose a deletion step. The Examiner tentatively agreed that the cited prior art references failed to disclose the deletion step and the system for carrying out the process having the deletion step.

Applicants’ attorneys also explained the meaning of “rendering the service correctly,” as used in the claims and explained in the specification.

2. Claim Amendments

Claim 1 is amended to recite a method for cashless processing having the step of at a first time, receiving a data record assigned to the service to be paid on an electronic intermediate carrier, where the electronic intermediate carrier is configured in a way such that the electronic intermediate carrier is physically separate and independent from the owner’s personal electronic payment device. Additionally, claim 1 is amended to recite a

step of determining that the service was rendered correctly and deleting or invalidating the data record completely on the electronic intermediate carrier upon correct rendition of the service.

No new matter is added, since support for the amendments may be found, for example, at least in paragraphs [0010], [0022] and [0023] of the accompanying description in the specification as originally filed.

Claim 17 is amended to recite similar system features for carrying out a process as recited in amended claim 1. No new matter is added, since support for the amendments may be found, for example, at least in paragraphs [0010], [0022] and [0023] of the accompanying description in the specification as originally filed.

Claims 26 and 27 are amended to recite combinations of the recited features. No new matter is added, since the amendment merely improves the description of the inventive subject matter.

Claims 2-7, 9-16, and 18-25 are left unchanged.

3. Rejection of claims 1-7, 9-16, and 26-27 under 35 U.S.C. § 112, second paragraph

Reconsideration of this rejection is requested, in view of the amendments to claims 1 and 26-27, on the basis that the claims as amended more definitely recite the subject matter of the invention.

Specifically, the claims have been amended to overcome the rejection based on perceived vague and indefinite language indicated by the Examiner.

Accordingly, withdrawal of this rejection is requested.

4. Rejection of claims 1-4, 6-7, 9-22, and 24-27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,602,919 (*Hurta et al.*) in view of U.S. patent 6,013,949 (*Tuttle*)

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish obviousness with respect to claims 1 and 17, from which claims 2-4, 6-7, 9-16, 18-22, and 24-27 depend.

Specifically, the proposed combination of the teachings of *Hurta* and *Tuttle* fails to disclose or suggest determining that the service was rendered correctly and deleting or invalidating the data record completely on the electronic intermediate carrier upon correct rendition of the service, as recited in original claim 1.

As discussed in the specification, a method using a transferable electronic intermediate carrier has advantages over the prior art by allowing the owner of the personal electronic device to use the payee's infrastructure without any need to contact the payee (paragraph [0010]). The transferability of the electronic intermediate carrier is designed for multiple uses by allowing the deletion and invalidation of the data record at the second time upon the determination that the service was rendered correctly (paragraph [0014]).

The transferability of the electronic intermediate carrier is allowed by transmitting a data record, i.e., data information assigned for a specific payment, to the physically separate and independent electronic intermediate carrier from a cash card, i.e., a personal electronic payment device (paragraph [0018]). A checking device is then used to check the data record on the physically separate and independent electronic intermediate carrier by determining whether the service was rendered correctly, i.e., the data on the intermediate carrier corresponds to a data record on the receiving device (paragraphs [0020], [0022]). The checking device then deletes or invalidates the data record completely on the electronic intermediate carrier, to prevent the data record from being used several times for different payment transactions (paragraphs [0012], [0023]).

On the other hand, the proposed combination of the teachings of *Hurta* and *Tuttle* fails to disclose or suggest determining that the service was rendered correctly and deleting or invalidating the data record completely upon correct rendition of the service, as recited in amended claim 1.

Hurta fails to disclose determining that the service was rendered correctly and deleting or invalidating the data record completely upon correct rendition of the service. *Hurta* at most discloses speeding up a monetary transaction by using a smartcard to transfer electronic money to a transponder fixed to a car (column 2, lines 23-27). During the transfer, the smartcard generates a smartcard certificate having information for a system administrator to ensure that a valid transaction took place (column 5, lines 22-29). When the transponder interacts with an interrogator, the transponder sends a transaction response having a status code, a payment ID and an encrypted MAC to act as a receipt for the transaction (column 6, lines 29-31). After receiving a transaction receipt from the interrogator, the transponder subtracts the toll amount from the running total stored on the transponder (column 6, lines 35-51). However, similar to the deficiencies disclosed in the applicants' specification with respect to the prior art, the system of *Hurta* does not delete or invalidate the data record upon correct rendition of the service, but only subtracts the toll amount from a running total.

Tuttle also fails to disclose determining that the service was rendered correctly and deleting or invalidating the data record completely upon correct rendition of the service. Instead, *Tuttle* discloses using RFID-transponders as postage stamps and mailing labels having data for identification and postage costs (column 3, line 65 to column 4, line 8). Upon reaching a point of shipment destination, an interrogator may call up the shipment data and use it at the point of destination for insuring that the item of shipment or luggage is put in the hands of the desired recipient (column 6, lines 35-40). Although *Tuttle* discloses that the RFID-transponder can have a prepaid value, through the

incorporation of U.S. patent 5,448,110, *Tuttle* fails to disclose that the prepaid value is checked to determine whether the service was rendered correctly and then deleted or invalidated completely upon correct rendition of the service.

As discussed above, the steps recited in amended claim 1 allow the use of an electronic intermediate carrier in multiple transactions and independent from the payee's infrastructure. By having a method that sends a data record from a personal electronic payment device to an intermediate carrier having information that corresponds to a specific transaction that the owner is paying, a receiving device can be used to check the data record on the electronic intermediate carrier. Then when the data record is checked to determine that the service was rendered correctly, e.g., compared with a reference data record on the receiving device, the data record is completely deleted or invalidated to prevent the data record from being used several times for payment transactions.

Applicants submit that neither *Hurta* nor *Tuttle* disclose determining that the service was rendered correctly as that expression is used in this application and deleting or invalidating the data record upon correct rendition of the service, as recited in amended claim 1. At most, *Hurta* only discloses subtracting the toll amount from a running total on the transponder, while *Tuttle* only discloses assigning a pre-paid postage on the RFID-transponder. From these disclosures, one having ordinary skill in the art would understand the cited references to disclose different methods for processing money on a transponder.

For example, when a transponder only subtracts a toll amount from a running total as disclosed in *Hurta*, the data record is not deleted or invalidated to prevent the data record from being used several times for payment transactions. Instead, the data record, i.e., the running total on the transponder, is only changed and can still be used several times for payment transactions, i.e., preferably two to three times the amount of a typical toll is placed on the transponder to allow several payments to different toll booths.

Similarly, when an RFID-transponder has data having information about shipment details and postage costs as disclosed in *Tuttle*, the data only shows that the postage has been paid, rather than effecting a cashless processing of a transaction for paying for a specific service by deleting or invalidating the data record completely upon correct rendition of the service. In other words, the steps recited in amended claim 1 allow the payment for a specific service by determining that the data record has the correct payment information and then deleting or invalidating the data record completely upon the correct rendition of the service.

Since neither *Hurta* nor *Tuttle* discloses determining that the service was rendered correctly and deleting or invalidating the data record completely upon correct rendition of the service, the proposed combination of the teachings of *Hurta* and *Tuttle* fails to disclose this step.

Moreover, since the teachings of *Hurta* and *Tuttle* disclose different methods for processing money for a toll-system and a postage system, respectively, there is no suggestion, motivation, or other rationale that would lead one having ordinary skill in the art to further modify the proposed combination of the teachings of *Hurta* and *Tuttle* to further include deleting or invalidating the data record completely upon correct rendition of the service, as recited in claim 1.

Instead, at most, the proposed combination of the teachings of *Hurta* and *Tuttle* would lead one having ordinary skill in the art to a method for toll-system processing that uses a portable RFID-transponder which subtracts the toll amount from a running total on the transponder. Since the transponder only interacts with the interrogator, Applicants cannot find any objective reasoning with rational underpinning to lead one having ordinary skill in the art to further modify the proposed combination of the teachings to delete or invalidate the data record, since the data record on the transponder for a toll system would be used for multiple transactions with multiple toll booths and not a single service. In other words, the transponder is only used to communicate with a toll booth

interrogator by sending information related to the smartcard so that the digital certificate from the smartcard can be used for several transactions with different toll booths by subtracting the toll amount from a running total.

However, only through the steps recited in amended claim 1 is a method disclosed that completely deletes or invalidates the data record on the electronic intermediate carrier upon correct rendition of the service, so as to prevent the data record from being used several times for different payment transactions. After the data record on the intermediate carrier is checked and determined that the service was rendered correctly, i.e., the data on the intermediate carrier corresponds to a data record on the receiving device, the data record is deleted or invalidated. This deletion or invalidation step then prevents the data record from being used several times.

Since the proposed combination of the teachings of *Hurta* and *Tuttle* fails to disclose or suggest each and every feature recited in amended claim 1, obviousness cannot be established.

Claim 17 is allowable over the cited prior art references for reciting a system having features for implementing a method as recited in amended claim 1, as well as individually recited features.

For example, the proposed combination of the teachings of *Hurta* and *Tuttle* fails to disclose that the electronic intermediate carrier is physically separate and independent from the personal electronic device, as recited in amended claim 17.

At most, the proposed combination of the teachings of *Hurta* and *Tuttle* disclose the limitations of the prior art where a transponder is dependent on the payee's infrastructure. *Hurta* and *Tuttle* only disclose that the transponder only has information associated with a toll booth system and a postage system, respectively. In other words, the information on the transponder is not independent of the electronic payment device but requires the toll booth system or postage system infrastructure to allow the processing of the transponder.

On the other hand, the features recited in amended claim 17 allow the re-use of the impersonal intermediate carrier for several different payment transactions, since the data record on the electronic intermediate carrier only corresponds for a single service, which is deleted or invalidated by the receiving device when the receiving device determines that the service was rendered correctly.

Claims 2-4, 6-7, 9-16, 18-22, and 24-27 are allowable over the cited prior art references at least for their dependency on allowable claims 1 and 17, as well as their individually recited features.

Accordingly, withdrawal of this rejection is requested.

5. Rejection of claims 5 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,602,919 (*Hurta et al.*) in view of U.S. patent 6,013,949 (*Tuttle*) and further in view of Official Notice

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish obviousness with respect to claims 1 and 17, from which claims 5 and 23 depend.

Specifically, as discussed above, the proposed combination of the teachings of *Hurta* and *Tuttle* fails to disclose each and every feature recited in amended claims 1 and 17. Therefore, claims 5 and 23 are patentable over the cited prior art references at least for their dependency on claims 1 and 17, as well as their individually recited features.

Accordingly, withdrawal of this rejection is respectfully requested.

6. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that the currently presented claims be approved and the application passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080

Date: September 6, 2011

Respectfully submitted,

/Justin J. Cassell/

JUSTIN J. CASSELL
Attorney for Applicants
Registration No. 46,205